

**BOARD of ZONING APPEALS**  
**MINUTES of MEETING**  
**March 18, 2014**  
**4:30 p.m.**

**Attendance:** Present: Tom Moushey, Dave Lundgren, Mike Aeling, Jim Edwards, Arnie Hirvela, Zoning Inspector Bill Hawley, and Secretary Jennifer Odey

**1. Minutes from the February 18, 2014 meeting.**

Lundgren made a motion to approve the minutes. Seconded by Edwards. Hirvela and Moushey abstain. Minutes approved as amended.

**2. Jennifer Rohr - 2073 Blenheim Ave. - Appeal # 14-004** – Review of procedure 1180.22 (g) affecting the decision of the Board at the February 18, 2014 meeting.

Moushey was not at the meeting last month, but stated the current zoning procedure requires at least three votes to approve an appeal. Moushey thought this issue came up before, but no one remembered this issue coming up before.

Lundgren stated he didn't recall this similar situation having happened before. He passed the appeal due to majority of quorum approving the appeal. He felt it should come back to the board.

Chairman Moushey read the Board of Zoning Appeals procedures including the appellant recourse.

**3. Jennifer Rohr - 2073 Blenheim Ave. - Appeal # 14-005** – Variance to build a 38' x 40' garage, larger than the 3 car maximum as an accessory to a single family residence, located in an R-1 zone.

Zoning Inspector Bill Hawley, 504 E. Main St. was sworn in by Chairman Moushey. This was an appeal for new construction of a garage. I meets all requirements other than the size is considered larger than a three car garage. By reducing the size to 38' from 40' the height requirement is met.

Moushey asked the status with the replat in Planning Commission.

Hawley stated the replat was approved.

Jennifer Rohr, 2073 Blenheim Ave, was sworn in by Chairman Moushey. She passed around photos of the neighbors garages, and stated her husband's truck is large and needs the space to garage the truck there. They also have items to store, like the lawnmower, and items from a shed they are removing. Her husband works on their vehicles and needs space in the garage to do so.

Hirvela asked about current appeal size from 38' to 40'.

Rohr stated she made the changes in size to get a better response on this appeal.

Hirvela asked if the two feet was coming off the width or the depth.

Rohr stated it was coming off the depth of the garage. She also stated the builder needed the 40' to get the three 10X10 doors.

Hirvela asked if the driveway was going to the alley or the front.

Rohr stated it would be the current driveway they have to the front.

Moushey asked where the new garage was going on the plat map.

Rohr stated the current garage will be coming down and new garage erected at the back corner of the current garage area.

Moushey asked if the garage was going to be in the back part of the lot.

Rohr stated yes.

Hirvela made a motion to approve the site plan. Seconded by Edwards.

Lundgren stated that 1190 is open to interpretation as what is the definition of a garage. His objections are the same; with the neighborhood and the foot print of the house he still feels the garage is too big.

Moushey stated the photos submitted are of some grandfathered in properties.

Aeling, Edwards and Hirvela voted to approve site plan. Lundgren and Moushey opposed. The variance was approved three to two.

Lundgren asked how to define a three car garage. He feels it's worth a discussion for council, but thinks it is ultimately Zonings choice.

Aeling feels more dimensional.

Moushey stated Hawley is using 12' width per bay with an 8' door, and 24' depth as the standard.

**4. Adam M. Carlile - 2537 S. Arch Ave. Appeal # 14-006** – Variance to allow more than two unrelated persons to occupy a single family dwelling, located in an R-1 zone

Hawley stated this property is asking to allow more than two unrelated people to occupy the house.

Moushey asked if the current situation was three unrelated people living together in a rental property.

Hawley stated correct.

Adam Carlile, 11431 Stucky St. SE, Paris OH, was sworn in by Chairman Moushey. As of January sixth of this year these students have lived here. He submitted letters from Ben Todd and Brandon Newman. He stated Ben Todd had issues with anxiety and insomnia and living here helped his symptoms. He stated Brandon Newman's letter stated he lives closer to work and school here making it convenient. Mr. Carlile also stated this is the first time he has heard of the ordinance to have no more than two unrelated people in a home. If only two lived there they would have a hard time affording it.

Moushey asked how long the lease was.

Carlile stated they have a one year lease till January 1, 2015, and didn't find out till later some of the tenants are seniors.

Edwards stated one of the letters mentioned they would be moving out the spring of 2015.

Carlile stated he thought it was due to the lease.

Moushey asked if they have a one year lease.

Carlile stated yes.

Jason Butcher, 2610 S. Arch Ave, was sworn in by Chairman Moushey. As of January there was increased traffic on the street with a consistent four cars, sometime six parked along both sides of the road in front of multiple homes. This was when several snow storms hit and vehicles were parked in front of his property making it so the snow plows couldn't get through. Then the vehicles moved to the other side of the street and left snow piles where no one could park. This caused transportation on my street, in my driveway and neighborhood difficult. At times they were parked within a foot from the driveway making it hard to turn his construction van into his driveway. Said there were a lot of cars there consistently.

Moushey asked for an estimate on the number of cars.

Butcher stated four cars consistently and six cars at times. One night for a short time there would be eight to nine cars.

Scott Watson, 2541 S. Arch Ave, was sworn in by Chairman Moushey. Mr. Watson stated he met one of the students (that was living there) and his parents. This student's name was Brendon Nix. Brendon told him there would be four students living here. Mr. Watson asked him how they were going to park. Mr. Watson was told they were going to keep cars off the street, and parked in and near the garage. Numerous times he called Brendon Nix due to loud noise (music). There were cars in and out all the time all night long. There were two cars that did not move for three weeks. Some cars caused him to drive thru his yard in order to pull out of his house. They never had this problem before and would like to see just two people live there.

Moushey asked about address.

Mr. Watson stated they have a shared drive and the address is out of sequence.

Jim Lackey, 2610 Watson, was sworn in by Chairman Moushey. Stated had college students in the area before and doesn't want that again. He is concerned with neighborhood care and submitted photos about look of lawn. Mr. Lackey wants to keep the variance.

Hazel El, 2523 S. Arch Ave, was sworn in by Chairman Moushey. She lives two houses down from this property. She has four boys and the youngest is blind with Autism. They have lived in this house since March of 2012. Every morning she has to go outside to pick up beer cans, since these students have moved in, so her youngest son doesn't pick them up and drink them. She gets up at 3am to go to work and hears cars and girls laughing at all hours. This has woken up her and her children numerous times. This causes anxiety problems for her. Cars are parked up and down the street, and she has had to drive through the yard due to cars parking in front of her driveway.

Loran Bissett, 2530 S. Arch Ave, was sworn in by Chairman Moushey. She stated there is a car that sounds like a bomb. The car starts up and makes her jump. The trash cans are always in the road.

Thomas Bissett, 2530 S. Arch Ave, was sworn in by Chairman Moushey. Stated he has witnessed this and it is true. The traffic and parking has increased and intruding into other driveways. House is looking trashy and bringing down the value of the neighborhood.

Hirvela stated we heard this so many times and makes a motion to deny the variance. Edwards asked if they can have a temporary variance. Lundgren stated no, only if it was grandfathered in to the code. Seconded by Aeling. Appeal denied by all.

## **5. Other Business.**

Chairman Moushey asked for other business. There being none, the meeting was adjourned at 5:26 p.m.